

**SPECIAL MEETING
CITY COUNCIL
September 28, 2006**

ROLL CALL:

MR. WOJCIK, MR. MCGRATH, MR. RYAN, MR. KROGH, MRS. COLLIER, MR. CAMPANA, MS. MAHAR DERGURAHIAN,
PRESIDENT BAUER
ABSENT: MR. DUNNE

Ordinance No. 1 **Date** September 28, 2006
Introduced by Council Member Bauer
At the request of Administration **Seconded by** Collier

ORD. #1

**ORDINANCE AUTHORIZING THE CORPORATION
COUNSEL TO SETTLE PENDING LITIGATION
AGAINST THE CITY OF TROY BY
THE KING SERVICE, INC.**

- Section 1. The City of Troy is a defendant in a Federal Court lawsuit in the matter of The King Service, Inc. (d/b/a: King Fuels) v. The City of Troy, New York, File No. 1:05-CV-359 GLS/DRH, in the United States District Court, Northern District of New York, as defined in the "Amended Complaint", attached hereto and made a part hereof.
- Section 2. The City Council hereby authorizes the Corporation Counsel to settle this litigation under the following terms:
The King Service, Inc. (d/b/a: King Fuels) (Plaintiff) will execute a "Stipulation of Discontinuance with prejudice", in the litigation, defined herein-above, in consideration of the City of Troy waiving all post-petition claims on the pending Bankruptcy action The King Service, Inc.- Bankruptcy proceeding. The effect of this stipulation will resolve all claims "King Service, Inc." may have on or against the City of Troy as they relate to the "Alamo site" (Tax Map No. 111.59-2-3) and the "Sperry Warehouse site" (Tax Map No. 111.67-1-1) from the beginning of time to the date of the stipulation. This proposed settlement has the approval of the Bankruptcy Trustee.
- Section 3. This act will take effect immediately.

Approved as to form, September 27, 2006

David B. Mitchell, Corporation Counsel

Ordinance ADOPTED by the following vote:

Ayes: 8

Noes: 0

Abstain: 0

Sent to the Mayor 09-29-06 for Executive Action – Approved, returned 09-29-06

SUPPORT DOCUMENTATION ON FILE WITH LEGISLATION

Motion to adjourn by Collier, seconded by McGrath

Meeting adjourned at 6:50pm.